

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DENNIS COOPER,
Plaintiff,

v.

CYNTHIA LINK, *et al.*,
Defendants.

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DEC 12 2018 CIVIL ACTION NO. 18-CV-4481

DEC 12 2018

ORDER

AND NOW, this 12th day of December, 2018, upon consideration of Plaintiff Dennis Cooper's Motion to proceed *In Forma Pauperis* (ECF No. 5), his Prison Account Statement (ECF No. 6), and his *pro se* Complaint (ECF No. 2), it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED**.
2. Plaintiff, Dennis Cooper, #MR-7741, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b). Based on the financial information provided by plaintiff, an initial partial filing fee of \$20.52 is assessed. The Superintendent or other appropriate official at the SCI Fayette or at any other prison at which plaintiff may be incarcerated is directed to deduct \$20.52 from plaintiff's inmate trust fund account, when such funds become available, and forward that amount to the Clerk of the United States District Court for the Eastern District of Pennsylvania, 601 Market Street, Room 2609, Philadelphia, PA 19106, to be credited to Civil Action No. 18-4481. In each succeeding month when the amount in plaintiff's inmate trust fund account exceeds \$10.00, the Superintendent or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to plaintiff's inmate trust fund account until the fees are paid. Each payment shall reference the docket number for this case, Civil Action No. 18-4481.

3. The Clerk of Court is directed to **SEND** a copy of this Order to the Superintendent at the SCI Fayette.

4. The complaint is **DISMISSED** without prejudice for failure to state a claim, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), for the reasons stated in the Court's Memorandum.

5. Cooper is given leave to file an amended complaint within thirty (30) days of the date of this Order. If Cooper files an amended complaint, he must identify all of the defendants in the caption of the amended complaint. Any individual or entity that is not listed in the caption will not be treated as a defendant. Cooper may refer to a defendant by last name only if that is the only identifying information possessed. If Cooper wishes to name individuals for whom he does not have any identifying information, he may refer to those individuals as John Doe #1, John Doe #2, etc. The amended complaint must also clearly describe how each defendant was responsible for violating Cooper's rights. When drafting his amended complaint, Cooper should be mindful of the Court's reasons for dismissing his claims as explained in the Court's Memorandum. Upon the filing of an amended complaint, the Clerk of Court shall not make service until so **ORDERED**.

6. The Clerk of Court shall **SEND** Cooper a blank copy of this Court's form complaint to be used by a *pro se* prisoner filing a civil action pursuant to § 1983 bearing the civil action number for this case. Cooper may use this form to file his amended complaint.

7. If Cooper fails to file an amended complaint, his case may be dismissed without prejudice for failure to prosecute without further notice.

BY THE COURT:



PETRESE B. TUCKER, J.